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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,945	01/15/2002	Mikio Iwamura	218127US2	1514

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EXAMINER
MATTIS, JASON E

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/044,945	IWAMURA ET AL.
	Examiner	Art Unit	
	Jason E. Mattis	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 September 2006_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-12_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

PTOL-326 (Rev. 08-06)	Office Action Summary	Part of Paper No./Mail Date 20061114

DETAILED ACTION

1.   This Office Action is in response to the Amendment filed 9/20/06. Claims 1-12

are currently pending in the application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3-5, 7-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gandhi et al. (U.S. Pat. 6944449 B1) in view of Khaleghi et al. (U.S.

Pat. 6975609 B1).

With respect to claims 1, 5, and 9, Gandhi et al. discloses a call acceptance

control method operating in a base station device of a mobile communication system

(See column 1 lines 13-24, column 3 lines 23-29, and Figures 1-5 of Gandhi et al.

for reference to a method for control access of subscriber stations 24, with the

method operating in a base station 10 of a wireless communications system 11).

Gandhi et al. also discloses connecting the packet users and the other users to provide

multiple access calls with shared wireless resources **(See column 5 lines 37-58 of**

Gandhi et al. for reference to the system and method using CDMA, which is a

multiple access wireless resource sharing protocol used to connect both packet

data calls and telephone voice calls). Gandhi et al. further discloses measuring a

resource use condition based upon existing connections provided by the connecting

step and restricting acceptance of new calls for connection in the connecting step when

a value of the resource use condition measured in the measuring step exceeds a set

call acceptance threshold **(See column 3 line 30 to column 5 line 36 and Figure 2 of**

Gandhi et al. for reference to measuring a performance indicator, which is a

resource use condition related to existing connections, and for reference to

denying access of new calls to the system when the measured performance is

greater than a blocking threshold, which is a call acceptance threshold). Gandhi

et al. also discloses calculating a correction value and adjusting the call acceptance

threshold using the correction value **(See column 6 line 60 to column 9 line 20 and**

Figures 4-5 of Gandhi et al. for reference to calculating a value that is used to

adjust the blocking threshold by either raising or lowering the blocking

threshold). Gandhi et al. does not disclose the system including packet users of an

associated packet switching system as well as other users of an associated circuit

switching system. Gandhi et al. also does not disclose calculating a correction value in

accordance with a number of actively connected packet users.

      With respect to claims 4, 8, and 12, Gandhi et al. does not disclose that the call

acceptance threshold is adjusted by raising the measured value of the resource use

condition.

With respect to claims 1, 4-5, 8-9, and 12, Khaleghi et al., in the field of communications, discloses a system and method including packet users of an associated packet switching system as well as other users of an associated circuit switching system **(See column 2 line 61 to column 3 line 22 and Figure 1 of Khaleghi et al. for reference to a system and method using both packet data calls with a corresponding packet data network and voice calls with a corresponding PSTN, which is a circuit switching system).** Khaleghi et al. also discloses calculating a correction value used to adjust, by raising a measured resource value, a call acceptance threshold with the correction value being calculated in accordance with a number of actively connected packet user **(See column 6 line 44 to column 8 line 40 and Figure 5 of Khaleghi et al. for reference to calculating a correction value in accordance with a number of data callers and using the correction value to raise a measured value that is compared to a call acceptance threshold).** Using packet calls as well as voice calls and calculating a correction value used to adjust, by raising a measured resource value, a call acceptance threshold with the correction value being calculated in accordance with the number of packet users has the advantage of allowing wireless resources to be more efficiently used while preventing dropped calls due to interference.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Khaleghi et al., to combine using packet calls as well as voice calls and calculating a correction value used to adjust, by raising a measured resource value, a call acceptance threshold with the correction value being

calculated in accordance with the number of packet users, as suggested by Khaleghi et al., with the system and method of Gandhi et al., with the motivation being to allow wireless resources to be more efficiently used while preventing dropped calls due to interference.

With respect to claims 3, 7, and 11, Gandhi et al. discloses that the threshold is adjusted by lowering the threshold value in accordance with the calculated correction value **(See column 8 line 23 to column 9 line 20 and Figure 5 of Gandhi et al. for reference to lowering the blocking threshold in order to accept fewer calls)**.

4.   Claims 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gandhi et al. in view of Khaleghi et al. as applied to claims 1, 3-5, 7-9, and 11-12 above, and further in view of Peisa et al. (U.S. Pat. 6850540 B1).

With respect to claims 2, 6, and 10, the combination of Gandhi et al. and Khaleghi et al. does not disclose that the system includes guaranteed-bandwidth packet calls. Khaleghi et al. does discloses calculating a correction value used to adjust a call acceptance threshold with the correction value being calculated in accordance with a number of actively connected packet users **(See column 6 line 44 to column 8 line 40 and Figure 5 of Khaleghi et al. for reference to calculating a correction value in accordance with a number of data callers and using the correction value to raise a measured value that is compared to a call acceptance threshold, meaning the correction value is calculated in accordance with all current packet users)**

With respect to claims 2, 6, and 10, Peisa et al., in the field of communications, discloses a wireless system and method using guaranteed-bandwidth packet calls **(See column 2 lines 37-67 of Peisa et al. for reference to a wireless system using guaranteed bandwidth data calls)**. Using guaranteed-bandwidth packet calls has the advantage of allowing a guaranteed quality of service to be provided to packet users of a wireless system.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Peisa et al., to combine using guaranteed-bandwidth packet calls, as suggested by Peisa et al., with the system and method of Gandhi et al. and Khaleghi et al., with the motivation being to allow a guaranteed quality of service to be provided to packet users of a wireless system.

Response to Arguments

5.   Applicant's arguments filed 9/20/06 have been fully considered but they are not persuasive.

In response to Applicant's argument that the teaching is Gandhi et al. and Khaleghi et al. are not compatible, that there is no rational motivation present to suggest that their teachings can be combined, and that neither reference teaches the claimed subject matter requiring the calculating of a correction value in accordance with a number of actively connected packet users, the Examiner respectfully disagrees. Gandhi et al. and Khaleghi et al. both deal with wireless communications system and

with a method to limit access to wireless resources according to measured properties.

Therefore, both Gandhi et al. and Khaleghi et al. are deal with the same problem in the

same field of art. Gandhi et al. does not deal with allocating resources to both packet

calls and voice calls. Khaleghi et al. teaches that it is important to deal with resources

allocated to packet calls and voice calls separately such that wireless bandwidth is used

in the most efficient manner. The motivation to combine the teachings of Khaleghi et al.

with the teachings of Gandhi et al. is for the system of Gandhi et al. to obtain the

advantage of allocating resources more efficiently to wireless users of both packet data

calls and voice calls. Therefore, there is sufficient motivation to combine the teachings

of Khaleghi et al. with the teachings of Gandhi et al. Khaleghi et al. teaches calculating

a loading average of the active data packet calls. This loading average is related to the

number of active data packet users. The calculated loading average is used to adjust a

threshold percentage of the amount of resources to assign to all packet data calls. This

calculating of the loading value and adjusting of the percentage is equivalent to the

claimed calculating of a correction value in accordance with a number of actively

connected packet users. Therefore the combined teachings of Gandhi et al. and

Khaleghi et al. do disclose all elements of claims 1, 5, and 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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